

STATEMENT OF THE
ASSOCIATION OF INTERNATIONAL AUTOMOBILE MANUFACTURERS, INC.
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMERCE
SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADE,
AND CONSUMER PROTECTION
REGARDING AIR BAG SAFETY AND CHILD SAFETY

APRIL 28, 1997

Thank you for the opportunity to provide the views of the Association of International Automobile Manufacturers, Inc. (AIAM) on air bag safety and child safety. AIAM is a trade association that represents companies which sell passenger cars and light trucks in the United States that are manufactured both here and abroad.¹ I am Phil

¹ AIAM Represents: American Honda Motor Co., Inc.; American Suzuki Motor Corporation; BMW North America, Inc.; Fiat Auto U.S.A., Inc.; Hyundai Motor America; Isuzu Motors of America, Inc.; Kia Motors America, Inc.; Land Rover North America; Mazda Motor of America, Inc.; Mercedes-Benz North America, Inc.; Mitsubishi Motor Sales of America, Inc.; Nissan North America, Inc.; Porsche Cars North America, Inc.; Rolls Royce Motor Cars Inc.; Subaru of America, Inc.; Toyota Motor Sales U.S.A., Inc.; Volkswagen of America, Inc.; and Volvo North America Corporation.

AIAM members' U.S. auto manufacturing plants include: AutoAlliance International, Inc., Flat Rock, MI; BMW Manufacturing Corp., Spartanburg, SC; Honda of America Mfg., Inc., Marysville, OH, East Liberty, OH; Mercedes-Benz U.S. International, Vance, AL; Mitsubishi Motor Manufacturing of America, Inc., Normal, IL; Nissan Motor Manufacturing Corp. U.S.A., Smyrna, TN; Subaru-Isuzu Automotive, Inc., Lafayette, IN; Toyota Motor Manufacturing, Kentucky, Inc.

Hutchinson, President of the Association. With me today is George Parker, Vice President for Engineering Affairs of the Association.

INTRODUCTION

Evaluations of air bag field performance reveal that air bags are saving lives and reducing injuries, especially serious injuries. The current estimate is that over 1,800 fatalities have been avoided because of air bags. However, the wide-spread introduction of air bags has resulted in a small risk of minor injury, and has caused serious injury and death related to air bag deployment in certain unusual and limited circumstances. These incidents, tragic as they are, fortunately are quite rare considering that there have been over 1 million air bag deployments. In most instances, the occupant in the serious incidents was not restrained or was improperly restrained, or in a rear-facing child seat, and therefore out of position and close to the air bag when it deployed. Unfortunately, the rare risk of air bag deployment injuries has been distorted by media coverage that focuses on deployment injuries instead of the lifesaving benefits of air bags.

The National Highway Traffic Safety Administration (NHTSA) recently changed its air bag regulation in order to lessen the risk of injury from deploying air bags to unrestrained or improperly restrained occupants. We welcome this action by NHTSA, and our members are committed to early introduction of depowered air bags where needed.

Depowering of air bags, however, is not enough. Additional action in the form of four simple rules is needed by occupants. First is to take the additional lifesaving action of always wearing safety belts. Second is to never place a rear-facing child seat in the front passenger position with an air bag. Third is to make sure children are in the back seat and properly restrained. Fourth is to sit as far away as possible from the air bag. I would like to describe for the Committee some of the actions our members have taken to promote these guidelines and to adopt advanced technology to improve safety in general and to address some of the concerns about air bag safety, and child safety in conjunction with air bags.

First, I would like to state that AIAM member companies are fully committed to air bags and their life-saving capabilities. Some of our members provided air bags as standard or optional equipment beginning in late 1983, well before passive occupant protection was required by law.

AIAM and its member companies are also striving collectively to increase safety belt use. We are now working with NHTSA in a coalition of stakeholders through the Air Bag Safety Campaign to generate public support for and to secure primary safety belt use laws and increased enforcement of such laws, and to conduct a safety belt and air bag public education campaign. Our members also are sending air bag safety information letters to owners and are enclosing advisory labels with the letters for owners to place in their vehicles. All new vehicles now being produced have new air

bag safety advisory labels as a result of a change in the requirements in the NHTSA air bag regulation. We support all of these actions. We believe the risk of unbelted or improperly belted occupants being injured by the deploying air bag and the incidence of children being placed in rear-facing child restraints in passenger seating positions with air bags will continue to decrease through educational efforts. Our members have done much to educate consumers about air bags, safety belts, and child restraints.

ADDITIONAL AIAM MEMBER COMPANY ACTIVITIES

Application of Advanced Technology

Two of AIAM's member companies, Mercedes-Benz and Porsche, have addressed the situation of vehicles with no rear seats or with rear seats that are too small for correct child seat installation. In this case, a child seat can only be placed in the front passenger position. However, rear-facing child seats should never be used in the front passenger seating position with an air bag, and both systems turn off the passenger-side air bag when special rear-facing child seats are used. The situation is less clear for forward-facing child seats in vehicles with air bags, but since child seats, properly used, provide excellent protection by themselves, both members' systems also turn off the air bag when special forward-facing child seats are used.

- Mercedes-Benz is now offering a system in its SLK sports car in which special child seats sold at Mercedes-Benz dealerships are automatically recognized

when placed in the front passenger seating position and the passenger-side air bag is turned off. The child seat has a built-in device, similar to the security tags sometimes attached to merchandise in retail clothing stores, that is recognized by a system in the car. The resonator in the child seat is totally passive and needs no batteries.

- Porsche will offer beginning in May a system in its entire line of sports cars that deactivates the air bag when special child seats sold at Porsche dealerships are used. In the Porsche system, the air bag is deactivated when a special belt on the front of the child seat is inserted into a special buckle at the front of the car seat.

Both of these systems represent the first application of advanced technology to address the incompatibility of current technology rear-facing child seats and passenger-side air bags. We are providing the Committee with press material describing these systems in more detail.

Consumer Information

AIAM member companies have undertaken many activities to alert consumers about the importance of use and proper use of safety belts and child safety seats, especially in combination with air bags. A fundamental aspect of this information is that air bags are supplemental restraints, and maximum occupant protection in all crash modes is

primarily provided by the use of safety belts. AIAM member company activities have ranged from television ads to pamphlets mailed to owners and for use at dealerships to videos for use at dealerships.

- Volvo has produced and aired a television ad that stresses the importance of never placing a child in the front passenger seating position with an air bag. The ad has aired many times.
- Kia has developed a pamphlet for owners that poses and answers a series of questions such as “Why do I need to use my safety belt if I’ve got airbags?” and “What’s the correct way to use infant car seats to avoid injury?” The answers stress the greater protection in all crash modes provided by safety belts and that air bags.

provide supplemental protection in frontal crashes. Also highlighted is the importance of placing children in rear seats in proper restraints.

- Nissan has developed a video which will be distributed to dealerships next month titled “An Ounce of Prevention - Nissan and your Child’s Safety” that covers the placement, installation, and use of child restraints in Nissan vehicles. It informs sales staff and purchasers and owners of the proper use of child restraints in Nissan vehicles. It also covers the incompatibility between rear-facing child seats and passenger air bags.

- Hyundai has developed a pamphlet on air bag safety for owners that covers the incompatibility of air bags and rear-facing child seats, the importance of wearing safety belts, and the placement of children in rear seats and use of proper child restraints.
- Mitsubishi organized a tour of 27 cities across the U.S. during February and March as part of a “Miles for Child Safety Tour.” This activity was conducted in partnership with SafetyBeltSafeUSA, a national non-profit organization promoting child passenger safety. The goal of the program was to educate families and motorists about the importance of child passenger safety seats and proper safe restraint for young children. Included was the message to never use a rear-facing child seat in the front passenger seat with an air bag and always place children in rear seats in proper restraints.

We are providing the Committee with copies of the pamphlets or press materials describing these activities in more detail.

Other AIAM members have produced material for mailing to owners or distribution at dealerships that focus on the same messages. These activities combined with the educational activities of the Air Bag Safety Campaign and news stories have substantially raised the public’s awareness of the importance of safety belts and child restraints, that children 12 and under should be in the rear seat, that rear-facing child

seats must never be used in the front passenger seating position with an air bag, and that drivers and front passenger should position themselves away from the air bag as far as practical.

DEACTIVATION OF AIR BAGS

With regard to deactivation of air bags, AIAM does not oppose deactivation in limited circumstances, such as for medical reasons, as determined and approved by NHTSA. However, we do not support deactivation on demand and have responded to NHTSA's proposal with comments opposing such a policy as inconsistent with safety. We also stated in our comments that we believe NHTSA does not have the authority under the Safety Act to allow air bag deactivation without a strong safety rationale. Four former NHTSA Administrators have stated that controlling the circumstances of deactivation is a proper Government role that should not be delegated to consumers, dealers, or repair facilities. We understand the concern of small-statured drivers about their proximity to the air bag. However, it is not stature per se but proximity to the air bag that is important, and field experience has shown that this is most often a result of safety belt non-use or mis-use. Always wearing safety belts and sitting as far as possible from the steering wheel essentially eliminates any risk while preserving the lifesaving capabilities of the air bag.

With widespread deactivation, safety will be degraded. Besides eliminating the lifesaving potential of the air bags, other safety problems are created. Safety belts,

steering columns, and other vehicle features are designed to operate with the air bag as a system, and deactivating the air bag can result in less protection to occupants than if the same vehicle had it been designed without the air bag. In addition, subsequent owners of a vehicle may not know the air bag is deactivated and unknowing occasional passengers may be seriously injured or killed because an air bag was not available to protect them. We urge NHTSA to continue its current practice of approving air bag deactivations only in limited circumstances, such as if the air bag creates a risk to an occupant because of a medical condition.

IMPROVED CHILD RESTRAINT ATTACHMENTS

With regard to NHTSA's proposal for a new, unique attachment system for child seats, we have not yet developed a position on the details of the proposal. The restraint system attachment proposal was based on the need for a more secure and uniform means of attaching child restraints, and AIAM fully supports this objective. In fact, AIAM and its member companies participated in a months-long activity to provide recommendations to NHTSA prior to its proposal. A uniform attachment system for add-on child seats is more effective than requiring built-in child restraints which, by design constraint, can only accommodate a limited size range of child. Built-in child restraints therefore have limited application and are rarely selected by purchasers. AIAM believes that the implementation of a uniform child restraint attachment system will increase the use and proper use of child restraints including placing rear-facing infant seats and all children who need to be in any child seats in the rear seat of a

vehicle.

LEGAL EXPOSURE

Auto manufacturers are providing air bags because of market demand and now under Government mandate. Also, air bag design is dictated in large part by Federal regulation. Automakers have taken extraordinary steps to minimize the rare risks of injury or fatality resulting from that regulation. Manufacturers should not be subjected to legal liability risks when they are responding in good faith to a Federal mandate, or if they provide depowered air bags that are now feasible following a change in the Federal standard, or if air bags are deactivated upon authorization in limited circumstances by NHTSA. An example of unreasonable exposure relates to possible widespread deactivation. An ad ran in the New Orleans Times-Picayune recently soliciting class action plaintiffs for recovering from manufacturers and dealers the cost of deactivated air bags. We are providing the Committee with a copy of the ad. We urge Congress to address this exposure and to provide protection for manufacturers who have acted responsibly .

FEDERAL GOVERNMENT SUPPORT FOR PRIMARY SAFETY BELT USE LAWS AND ENFORCEMENT

Other Congressional action also would further the cause of safety. The Administration recently released a plan to increase safety belt use from 68 percent currently to 85 percent by 2000 and 90 percent by 2005. We welcome this plan and will do our part to support it. We believe the goals are attainable. Primary safety belt use laws and enhanced enforcement of these laws, which are cornerstones of the Administration's plan, have produced high levels of belt use in parts of the U.S. and in other countries. For example, belt use in California is 87 percent, in North Carolina is 82 percent, and in Canada is 92 percent. We support the incentive and sanction features in the plan as the best approach to achieving State primary safety belt use laws. We urge the Congress to enact legislation that will facilitate achieving the plan's goals.

That concludes my testimony. Mr. Parker and I would be pleased to respond to your questions.